



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**May 26, 2005**

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**SUBJECT:** **2005-0314** Application on a 5,200 square foot lot located at **315 Orchard Avenue** (near Walnut Avenue) in an R-0 (Low Density Residential) Zoning District. (APN: 204-31-020)

Action Variance from Sunnyvale Municipal Code (SMC) section 19.34.030 to allow for combined side yard setbacks of 10 feet where 12 feet is required and Design Review approval.

**REPORT IN BRIEF**

**Existing Site Conditions** Single Family Home

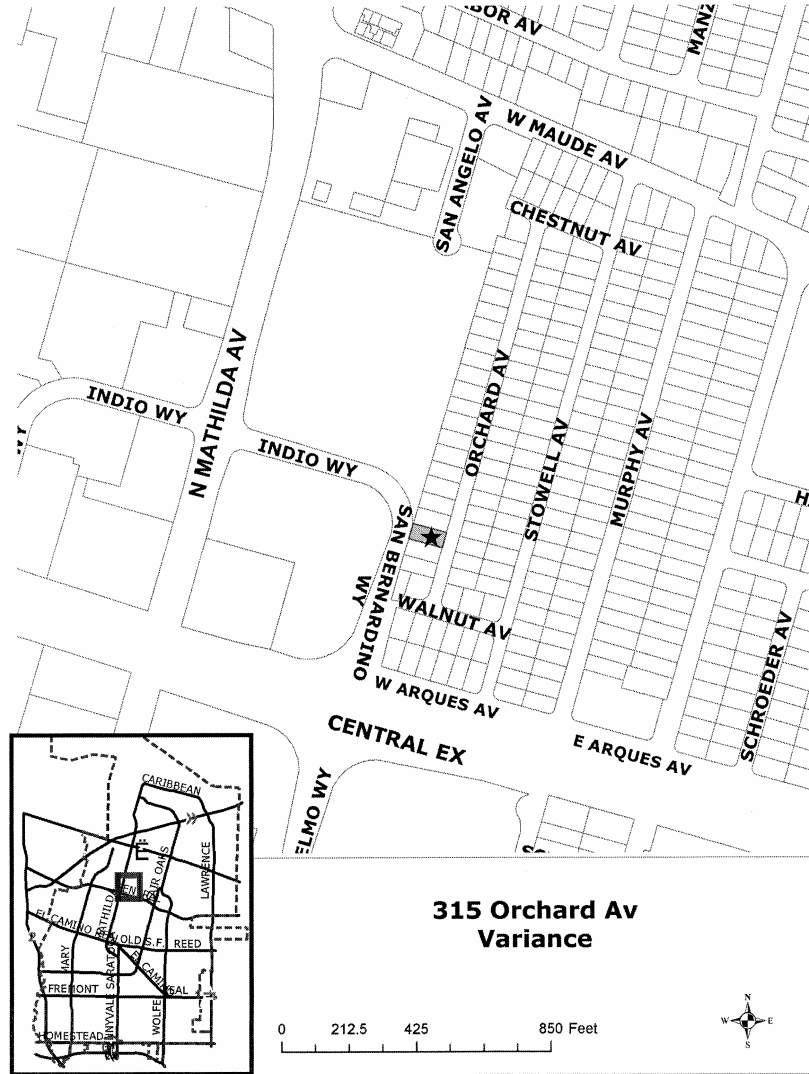
**Surrounding Land Uses**

North	Single Family Home
South	Single Family Home
East	Apartments across Indio Way
West	Single Family Home

**Issues** Setbacks

**Environmental Status** A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	Residential Low Density
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	5,200	Same	6,000 min.
<b>Lot Coverage (%)</b>	24%	31%	40% max.
<b>Floor Area Ratio (FAR)</b>	24%	31%	45% max. without PC review
<b>Building Height (ft.)</b>	14'	Same	30' max.
<b>No. of Stories</b>	1	Same	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front</b>	20'	Same	20' min.
<b>Left Side</b>	5'	Same	12' combined min (4' on one side)
<b>Right Side</b>	5'	5'	12' combined min (4' on one side)
<b>Rear</b>	48'6"	20'	20' min. (10' permitted for 25% encroachment of rear yard)
<b>Parking</b>			
<b>Total Spaces</b>	2	Same	4 min.
<b>Covered Spaces</b>	1	Same	2 min.



★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The proposed project is a one-story addition at the rear of the home. While the addition meets the minimum setback of 4' for one side, the combined side yard of 10' does not meet the required 12 feet for the R-0 Zoning District; therefore, a Variance is necessary.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2000-0958	Removal for one Loquat tree	Staff/ Approved	09/11/00

In 1986, a building permit for the living room addition was approved along the left side of the home towards the rear of the property. With this application, the applicant is also proposing to remove a covered patio area that is situated between the living room and the proposed addition. This covered area is not noted on the site plans submitted to staff, but will be required to be removed per Condition of Approval #1E.

In the past, similar additions to the current proposal have been approved within the neighborhood along non-conforming setbacks, prior to the policy to allow extensions along non-conforming setbacks without a Variance approval. In 2002, City Council directed staff to no longer consider these types of proposals through administrative review and necessitated a Variance application for additions along non-conforming setbacks.

**Environmental Review**

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 5 Categorical Exemptions include minor alterations in land use limitations, including setback variances.

**Variance**

**Site Layout:** The layout of the home is typical for many of the homes within the neighborhood. This particular home was built in 1942. Many of the homes in this neighborhood were constructed prior to the current Zoning setback requirements and are built with similar setbacks as the subject property. The lot width of 52 feet, consistent with other homes in the area, also does not meet current R-0 standards (57'). The site is located between two single family homes and adjacent (rear) to a busy on-ramp to Central Expressway (Indio Way).

The rear addition would include a master bedroom, bathroom and closet area for the new home. The applicant contends that if required to meet setbacks,

the structural integrity, and aesthetic form of the home would be compromised. (See the Justifications from the Applicant in Attachment #D for more detail.)

**Architecture:** The proposed architecture of the rear addition would match the existing home in terms of stucco material and composition roof material. Approval of the Variance would allow the addition to continue the same roof form and slope as well as enable the extension of the same structural support walls of the existing home.

Similar window form would be utilized for the extension of the home. A clerestory window would be positioned facing the adjacent neighbor and a patio door would face the courtyard area of the property.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques - Architecture	Comments
3.5 Roofs J. Use roof forms for additions that blend comfortably with the roofs of the existing home.	The granting of the Variance would allow the proposed addition to continue the roof form of the existing home. Alternatively, if an increased setback is required, the roof form would have to be reconfigured.
3.8 Windows and Doors G. Match window type, size, proportions and detailing to those currently exist on the home.	The proposed addition will be consistent with the existing home in terms of window type, size and proportions.

**Landscaping:** The site meets landscaping standards for single family homes located within the R-0 Zoning District. There are no proposed tree removals in conjunction with this permit review.

**Parking/Circulation:** The site provides a one-car garage and one uncovered parking spaces. The proposed addition would result in less than 4 bedrooms and 1,800 square feet; therefore, further upgrades to covered parking on-site are not required.

**Compliance with Development Standards/Guidelines:** The site meets all standard requirements for the R-0 Zoning District with the exception of the combined side yard setback (10 feet where 12 feet is required).

**Expected Impact on the Surroundings:** The proposed addition will have little impact to the surrounding neighborhood. The addition will not be visible from the public street and will be limited to the adjacent neighbor to the north.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 3 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Variance. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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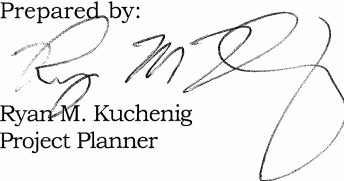
1. Approve the Variance with the attached conditions.
2. Approve the Variance with modified conditions.
3. Deny the Variance.

**Recommendation**

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Recommend Alternative 1.

Prepared by:

  
Ryan M. Kuchenig  
Project Planner

Reviewed by:

  
Diana O'Dell  
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications from the Applicant

**Recommended Findings – Design Review**

The proposed project is desirable in that the project's design and architecture conforms to the policies and principles of the Single Family Home Design Techniques.

<b>Basic Design Principle</b>	<b>Comments</b>
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The building extension would be consistent with other additions within the neighborhood.
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The proposed addition is located at the rear of the home and will not have a significant aesthetic impact to the surrounding neighborhood.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The building addition will not encroach closer than the existing setbacks and should not increase privacy impacts to adjacent neighbors.
<i>2.2.4 Minimize the visual impacts of parking.</i>	No modifications to the parking for the site are proposed.
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	No modifications to the existing landscaping for the site are proposed.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The addition will utilize similar materials as the main structure including composition roofing.
<i>2.2.7 Preserve mature landscaping</i>	No trees will be removed.



**Recommended Findings - Variance**

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1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. The project site is not unique with respect to lot size or dimensions of to other homes in the neighborhood. Staff notes that the property is adjacent to an on/off ramp which can be considered unique to surrounding properties. Relocating the addition to meet setback requirements would cause the headlights of truck, buses and other vehicles to shine directly into the home. The location of the addition would help ensure that this impact is minimized.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. The proposed addition will not negatively impact the subject site or the neighborhood. The addition meets the minimum setback and would not encroach closer than the existing building.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. The subject site, with the exception of a few neighboring properties, are impacted by this negative condition caused by the adjacent ramp to and from Central Expressway. In past years, neighboring property owners have attained building permits for similar additions along non-conforming setbacks. The proposed addition would enable a similar request.

**Recommended Conditions of Approval – Variance & Design Review**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.
- E. Remove the covered portion of the patio area between the living room and proposed addition area prior to building permit final.

**2. DESIGN/EXTERIOR COLORS AND MATERIALS**

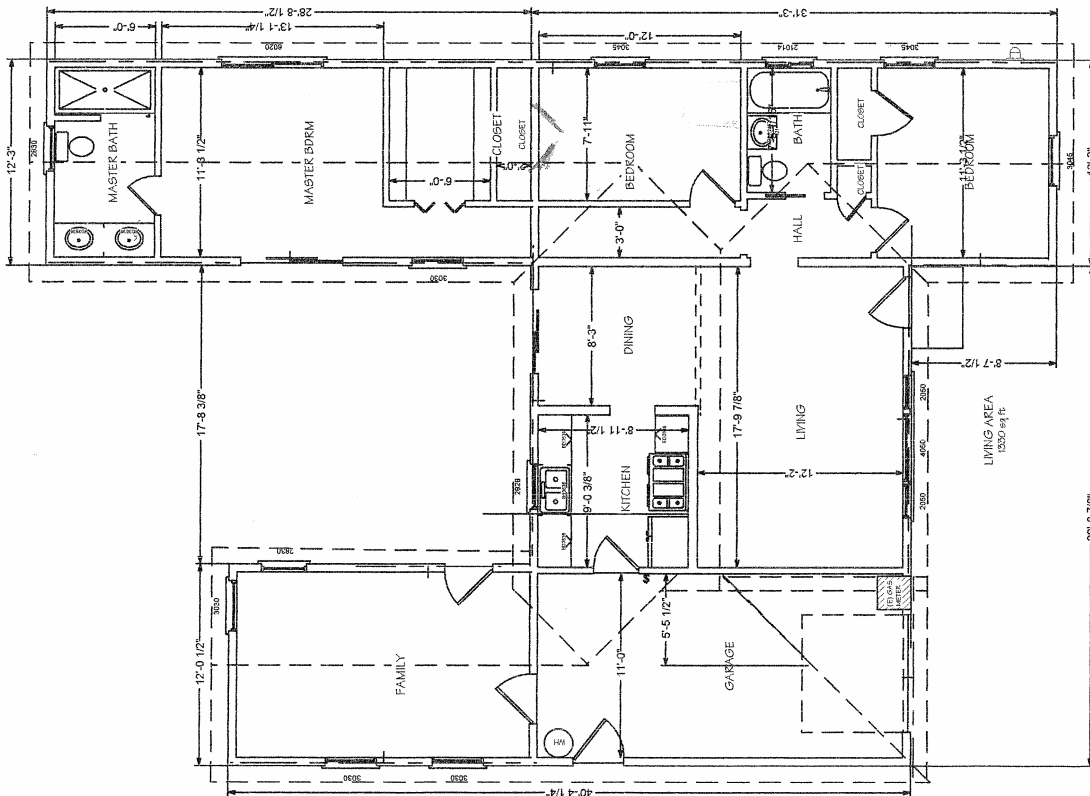
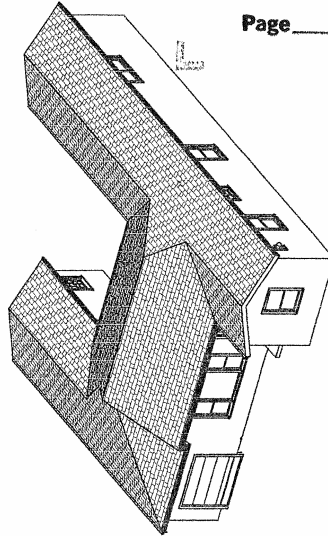
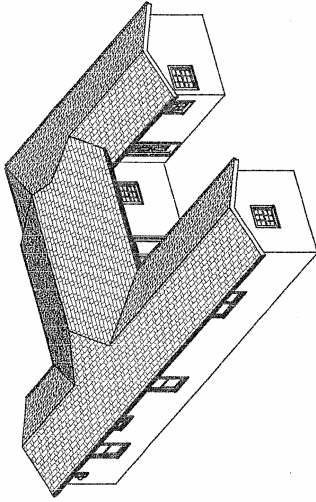
- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home or be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.



# ATTACHMENT C

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315 Orchard Ave



City of Sunnyvale Variance Justification

#1 The houses in the surrounding four block area that have small lots of 5200 sqft or smaller are being handicapped by the side yard setbacks being enforced by the planning departments total setback requirements. Every inch that we lose means that we have to go back into the required rear yard setback. These houses were built 65 years ago with a five foot setback on both sides of the house, and for 65 years all of the additions have followed that same line. We home owners in the orchard tract area have two designs to our houses and that is it. Both design styles accommodate an addition that needs to keep with the existing structure that is on the lot now. By moving any new additions into the building makes for a very complicated addition. We start to lose interior space to extra halls and doors needed to access any addition. Roof lines don't match, building lines don't match and makes for visual blight for neighbors. For 65 years these houses have only had two ways of additions. One straight down the left side of the house and another straight down the right side of the house.

My property borders Indio Way, an on/off ramp to Central Expressway. My house sits on the apex of the corner, and by moving the new structure two feet to the left puts headlights from trucks, busses, and cars right in my bedroom windows at night. We have planted screening landscaping in anticipation of this addition over the years, but having to move two feet to the left makes most of what we planted worthless. We do not want to move back to the rear of the property any further because of the heavy commercial traffic that uses Indio Way on a regular basis already shakes our house.

#2 The granting of this variance will in no way harm my property or my neighbors, because it is not a privacy issue, being that if I had eight feet on one side of my house I could move my addition only four feet from the property line. Its not neighborhood blight problem, because the addition would not be able to be seen from the street. These houses have afforded this same addition for 65 years for a reason. It is the most practical way to add space other than a second story to these houses.

#3 By granting this variance I hope that it means that someone is looking out for us homeowners that lot's don't meet the 6000 sqft minimum. The neighborhoods that the lots are less than the 6000sqft, can benefit from five foot setbacks as seen in my neighborhood for 65 years. And I hope we can do the same again.